IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2991 OF 2007.

Bhagwan Dhondi Naikawadi & others. ... Petitioners.
Versus.
Sarjan Realities Limited. ... Respondent.

Shri G.S.Keluskar for the Petitioners.

Shri P.C.Kansara i/by M/s.Pandya & Poonawala for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 4th May, 2007.

P.C.:

1. Heard the Advocate for the Petitioners and the Advocate for the Respondent. The Advocate for the Respondent has tendered on record an affidavit of one Shri Parag Chitnis who an authorised representative of the Respondent. In paragraph 4 of the said affidavit, it is stated thus:

> "The Respondent (Org.Defendant) has filed its reply/written statement in the said suit whereunder the Respondent has clearly stated that the Respondent shall not disturb the possession of the Petitioners of the suit property. This Respondent repeat, reiterate and confirm the said statement in the said reply/written statement namely that the Respondent shall not disturb the possession of the Petitioners (Org.Plaintiffs) in respect of

the suit property as described in the plaint."

The learned Advocate for the Respondent on instructions states that the Respondent is not concerned in any manner with the suit property described in Regular Civil Suit no.109 of 2006.

2. The statement made by the Advocate for the Respondent is accepted. The statements made by the authorised representative of the Respondent in the affidavit dated 4th May 2007 are accepted. The statement made in paragraph 4 of the affidavit constitutes an undertaking by the Respondent not to disturb the possession of the Petitioners over the suit property. The said undertaking is accepted. In view of this position, it is not necessary to entertain this writ petition and the same is disposed of.

Judge.